

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

KESHIA L. SMITH	§	
	§	
V.	§	CIVIL ACTION NO. 2:06-CV-291
	§	
KANSAS CITY SOUTHERN, THE	§	
KANSAS CITY SOUTHERN	§	
RAILWAY COMPANY, AMERICAN	§	
ELECTRIC POWER,	§	
SOUTHWESTERN ELECTRIC	§	
POWER, AMERICAN ELECTRIC	§	
POWER SERVICE CORP.,	§	
PROFESSIONAL TRANSPORTATION	§	
INC., RICHARD C. JOHNSON,	§	
JOSE NATAL, and JOHN DOE	§	

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF MAGISTRATE JUDGE**

The above entitled and numbered civil action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge, which contains his proposed findings of fact and recommendation for the disposition of such action, has been presented for consideration (Doc. No. 52). Plaintiff Keshia L. Smith has filed an objection, entitled “Motion to be entered to objection upon defendant motion to dismiss for lack of jurisdiction,” (Doc. No. 56) to the Report and Recommendation. Plaintiff’s objection reiterates her position that Defendant Kansas City Southern (“KCS”) is responsible for her damages. It does not, however, address whether KCS is subject to personal jurisdiction, nor does it dispute the facts relied upon by the Report and Recommendation. Plaintiff has not submitted any affidavits or admissible evidence to rebut the facts established through KCS’ Motion. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby overrules Plaintiff’s objections and adopts the Report of the United States Magistrate Judge as the findings of this Court.

Accordingly, it is hereby **ORDERED** that Defendant Kansas City Southern's Motion to Dismiss (Doc. No. 42) be **GRANTED**, and that Defendant Kansas City Southern be **DISMISSED** for lack of personal jurisdiction.

So ORDERED and SIGNED this 10th day of December, 2007.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE